

DA/CB

PTO/SB/64 (10-01)

Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)  
THERMA2A4-CIP

First named inventor: Joseph C. MURRAY

Application No.: 09/919,747

Art Unit: 3721

Filed: 08/01/2001

Examiner: [None Yet Assigned]

Title: Insulating Packaging Material and Relaed Packaging System

Attention: Office of Petitions  
Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

RECEIVED

NOV 19 2002

OFFICE OF PETITIONS

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

Small entity-fee \$ 640 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity - fee \$ 1,280 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of [Submission of Formal Drawings] (identify type of reply):

has been filed previously on \_\_\_\_\_  
 is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_.

has been paid previously on \_\_\_\_\_  
 is enclosed herewith.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

11/19/2002 AWONDAF1 00000105 09919747

01 FC:2453

640.00 0P

## 3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

November 4, 2002

Date

Signature

Telephone  
Number: (860) 668-2433

C. Emmett Pugh (Reg. 22,826)

Typed or printed name

82 N. Main St.

Address

Suffield, CT 06078-2102

Enclosures:  Fee Payment

Reply [Submission of Formal Drawings]

Terminal Disclaimer Form

Additional sheets containing statements establishing unintentional delay

Other: \_\_\_\_\_

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

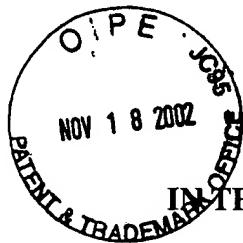
November 4, 2002

Date

Signature

C. Emmett Pugh (Reg. 22,826)

Type or printed name of person signing certificate



PATENT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: MURRAY, Joseph C.        \*\*        Art Unit: 3721  
    \*\*  
Serial No.: 09/919,747        \*\*        Ex.:  
    \*\*  
Filed: 08/01/2001        \*\*        November 4, 2002  
Title: "Insulating Packaging Material &        \*\*  
Related Packaging System..."

\*\*\*\*\*

Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

**PETITION for REVIVAL  
of UNINTENTIONALLY ABANDONED APPLICATION  
Under 37 C.F.R. 1.137(b)**

RECEIVED

NOV 19 2002

Dear Sir:

OFFICE OF PETITIONS

Applicant hereby petitions, through his attorney of record and under 37 C.F.R. 1.137(b), that the above identified application **not** be held abandoned and that the application promptly be returned to active, pending status for further action by the PTO, as the abandonment was unintentional and not for any purpose of delay, and that the copy of the Submission of Formal Drawings enclosed herewith be accepted for further action.

The circumstances outlined herein show that the abandonment was unintentional and not for purpose of delay. The facts and circumstances surrounding this petition are as follows:

1. Applicant never communicated to his attorney his specific verbal or written intention that the above mentioned application be abandoned, nor did the undersigned attorney of record have such an intention.

2. Neither applicant nor his attorney of record has filed a letter of Express Abandonment with the U.S. Patent and Trademark Office which is in compliance with 37 C.F.R. Sec. 1.138.

3. A notice of abandonment, dated September 3, 2002 (copy attached), was received on or about September 7, 2002, which was the date counsel and/or applicant and/or his assignee actually became aware of the asserted "abandonment" of the application, and it took several weeks of file location and review of file materials and investigation thereafter before counsel found the pertinent PTO documents and then realized that in fact that the application had been allowed to go unintentionally and inadvertently "abandoned." As a result of the final file review it was noticed that, behind and obscured by the official filing receipt, a "Notice to File Corrected Application Papers" was included, which objected to some unspecified ones of the drawings as originally filed due to margin consideration, requiring that some new formal drawings be submitted within two (2) months, namely by November 5, 2001, which drawing objection notice was inadvertently not seen by counsel at the time of receiving the filing receipt. Promptly on noting the drawing objections counsel had formal drawings prepared.

4. Accordingly, counsel has timely prepared and is submitting this petition within three (3) months of the earliest date of the PTO Notice of Abandonment dated September 3, 2002, and indeed within two (2) months of the PTO Notice of Abandonment, with November 3, 2002 falling on a Sunday and November 4, 2002, the date of this submission of this petition, being the next business day.

5. Neither the inadvertent, unintentional "abandonment" which occurred herein nor the providing of this petition with the enclosed Submission of Formal Drawings was done with any intention of delaying the handling of this matter or for the purpose of delay.

**6. In particular, the entire delay in filing the required submission from the due date for the submission of formal drawings, originally due November 5, 2001, until the filing of this petition on November 4, 2002, pursuant to 37 CFR 1.137(b), was unintentional.**

IT IS THEREFORE respectfully urged that the accompanying proposed Submission of Formal Drawings, which is believed to be fully responsive to the requirements of the Notice to File Corrected Application Papers, be accepted and set for further processing by the PTO.

It is also respectfully requested that an early determination as to this petition be granted.

A check in the amount of **\$640.00** is attached. The Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 16-2605 (THERM2A4-CIP) of the undersigned. Duplicate copies of this page are attached. Small entity status has been established in the above identified application.

Respectfully submitted:



C. Emmett Pugh, Reg. No. 22,826  
Pugh/Associates, Patent and Trademark Attorneys  
82 N. Main St.  
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Attorneys for Applicant

*- Certificate of Mailing -*

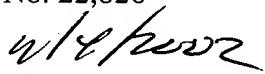
I hereby certify that this Petition (along with the Submission of Formal Drawings) is being deposited with the United States Postal Service with proper postage as first class mail in an envelope addressed to: "Assistant Commissioner for Patents, Box:: DAC, Washington, D.C. 20231," on this

**November 4, 2002.**



C. Emmett Pugh, Reg. No. 22,826

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Attorneys for Applicant

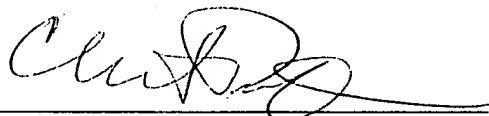
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